UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY MERKELO,

Plaintiff,

v.

RODNEY SPIDELL,

Defendant.

No. 2:14-cv-2010-KJM-EFB PS

ORDER

On September 3, 2014, the magistrate judge filed findings and recommendations, which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. On September 18, 2014, defendant Rodney Spidell filed a motion for a ten-day extension of time to respond to the findings and recommendations. ECF No. 4. In an order issued on October 1, 2014, Judge Brennan granted the motion, allowing the parties an additional ten days from the date of that order to file objections. ECF No. 5. On October 9, 2014, before the expiration of that ten-day period, this court adopted Judge Brennan's findings and recommendation and remanded the case to the Superior Court for the County of Sacramento. ECF No. 6. To allow the parties time to file objections within the ten-day period ordered by Judge Brennan, the court vacated its previous order adopting Judge Brennan's findings and recommendations and retained jurisdiction. ECF No. 7. The parties have not since filed objections to Judge Brennan's findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS ORDERED that:

1. The Findings and Recommendations filed September 3, 2014, are ADOPTED; and

2. The above-captioned case is REMANDED to the Superior Court of the State of California in and for the County of Sacramento.

IT IS SO ORDERED.

DATED: October 28, 2014.

UNITED STATES DISTRICT JUDGE